

## **CHAPTER 9 DRIVING INSTRUCTORS AND DRIVING SCHOOLS**

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### **900 MOTOR VEHICLE DRIVING INSTRUCTORS**

- 900.1 Except as provided in § 911, no person shall act as a motor vehicle driving instructor unless licensed by the Director under the provisions of §§ 900 and 901 of this chapter.
- 900.2 The Director may adopt rules necessary to carry out the provisions of §§ 900 and 901 of this chapter.
- 900.3 For the purposes of §§ 900 through § 910 of this chapter, the term "instructor" means any person, whether acting for himself or herself as operator of a school or acting for any school for compensation, who teaches, conducts classes, gives demonstrations, or supervises practice for persons in driving motor vehicles.
- 900.4 The Department shall not issue any driving instructor's license to any of the following:
  - (a) Any person who is under eighteen (18) years of age;
  - (b) Any person who is unable to read, write, and speak the English language;
  - (c) Any person who is covered by diplomatic immunity;
  - (d) Any person who does not possess a valid District of Columbia motor vehicle operator's license;
  - (e) Any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not, at the

time of application, been restored to competency by the methods provided by law;

- (f) Any person who is required by this title to take an examination unless that person has successfully passed the examination;
- (g) Any person employed by a Federal or District agency which has an established policy forbidding its employees from operating a public vehicle for hire;
- (h) Any employee of the Department of Public Works whose employment is concerned directly with the issuance of any license;
- (i) Any person who has not, within the three (3) years immediately preceding the date of application for an instructor's license, resided for at least one (1) year in the Metropolitan Area and had at least one (1) year of driving experience as a licensed motor vehicle operator in the Metropolitan Area;
- (j) Any person who, by reason of physical or mental disability, the Director has good cause to believe would not be capable of safely operating a public vehicle;
- (k) Any person who has been convicted of offenses against traffic regulations of the District or elsewhere with such frequency as to indicate a disrespect for traffic laws and a disregard for the safety of other persons or property;
- (l) Any person who is a chronic alcoholic or who is addicted to the use of drugs;
- (m) Any person who is on parole or probation at the time of filing the application for an instructor's license; Provided, that if the parole or probation arose out of conviction for a crime other than those listed in paragraph (n) of this subsection, the applicant may be considered for approval by the Director if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of an instructor's license; and
- (n) Any person who has, within the three (3) years immediately preceding the filing of the application, been convicted of, is serving a sentence for, or is under indictment for committing or attempting to commit any of the following crimes:

- (1) Murder, manslaughter, mayhem, malicious disfiguring of another, abduction, kidnapping, burglary, housebreaking, robbery, or larceny;
- (2) Assault with intent to commit any offense punishable by imprisonment in a penitentiary;
- (3) Any sex offense; and
- (4) Any violation of the narcotics laws.

900.5 The Director shall issue an instructor's license to an applicant who has complied with the provisions of § § 900 and 901.

900.6 All licenses shall expire on October 31<sup>st</sup> of each calendar year.

900.7 In case of the loss, theft, or destruction of any instructor's license, the licensee shall immediately notify the Director of the loss, theft, or destruction.

900.8 Upon application made under oath on the form required by the Director, and upon payment of a fee of two dollars (\$ 2.00), the Director may issue a duplicate license.

900.9 An instructor shall display the motor vehicle instructor's license prominently in the vehicle used while instructions are being given.

## **901 APPLICATION FOR AN INSTRUCTOR'S LICENSE**

901.1 Each application for an instructor's license shall be made upon a form furnished by the Director and shall be accompanied by the proper fee.

901.2 Each application for an original or renewal license shall be accompanied by a fee of fifty (\$ 50.00) dollars. The fees shall not be refunded in the event the license is suspended or revoked.

901.3 Each application shall state the full name, date of birth, sex, social security number, and residence of the applicant and such other information as the Director may require to determine the applicant's identity, competency, and eligibility, including a full statement by the applicant of all charges placed against the applicant, both criminal and traffic, in the District of Columbia and elsewhere.

901.4 Each application shall be accompanied by two (2) new full face photographs, size two and one-half by two and three quarter inches (2 ½ in. x 2 ¾ in.), and by three (3) sheets of fingerprints of the applicant taken at the headquarters of the

Metropolitan Police Department. One sheet of fingerprints shall be furnished to the Federal Bureau of Investigation.

901.5 Each application shall contain the name and addresses of three (3) persons who shall be responsible business persons residing in the Metropolitan Area who have known the applicant for a period of one (1) year or more and who will vouch for the sobriety, honesty, and good character of the applicant.

901.6 Each application shall be accompanied by a certificate from a reputable physician of the District certifying whether, in the physician's opinion, the applicant is afflicted with any disease or infirmity which might make the applicant an unsafe or unsatisfactory instructor of motor vehicle drivers.

## **902 REFUSAL TO ISSUE: SUSPENSION, OR REVOCATION OF INSTRUCTOR'S LICENSE**

902.1 The Director may refuse to issue or renew, or may suspend or revoke a license issued under the provisions of § § 900 and 901 in any case where the Director finds the applicant or licensee has violated or failed to comply with any of the provisions of § § 900 and 901, or whenever the Director finds that the person to whom it was issued is no longer physically, mentally, or morally qualified to hold such license.

902.2 Upon suspending, revoking, or refusing to issue or renew a license, the Director shall immediately notify the applicant or licensee, stating the reasons for the action and affording a reasonable opportunity for hearing.

902.3 Service of any order of suspension or revocation shall be by registered mail, return receipt requested, to the last known address of the licensee on file in the Department.

902.4 If such notice is returned for reasons other than refusal, then the order shall be referred to the Chief of Police, Metropolitan Police Department, for personal service by a member of that department.

902.5 Any order of suspension or revocation shall be effective on the date it is mailed by registered mail, return receipt requested, to the last known address of the licensee on file with the Department; Provided, that if the notice is returned for reasons other than refusal, the effective date of the notice shall be the date on which personal service is made on the licensee or his or her attorney.

902.6 A suspended or revoked license shall be returned immediately to the Director by the licensee.

- 902.7 An Appeals Board shall review an order suspending or revoking a license if the licensee files a written request stating the reasons for the requested review within five (5) days of the effective date of the order of suspension or revocation.
- 902.8 An examiner shall review a refusal to issue a license if the applicant files a written request stating the reasons for the requested review within five (5) days of the refusal to issue a license.

**903-904. [RESERVED]**

**905 MOTOR VEHICLE DRIVING SCHOOL LICENSES**

- 905.1 No person shall engage in the business of conducting a driving school in the District of Columbia without first obtaining a license in accordance with the provisions of this chapter.
- 905.2 For the purposes of this chapter, the “business of conducting a driving school” means giving instruction in driving a motor vehicle in the District of Columbia, where a fee for the instruction is charged either directly or indirectly.
- 905.3 The offering of a course, approved under § 911, shall not constitute “the business of conducting a driving school,” where the person or organization approved to offer a course under § 911 is not primarily in the business of offering driving instruction to persons below the age of fifty-five (55) for a fee, either directly or indirectly.
- 905.4 For the purposes of this chapter, “person” includes an individual, firm, corporation, partnership, association, company, executor, administrator, guardian, or trustee.
- 905.5 The driving school license shall be conspicuously displayed at the place of business of the licensee.
- 905.6 No person shall be employed by any driving school to give instructions in driving a motor vehicle unless he or she is licensed to act as an instructor under the provisions of this chapter.
- 905.7 Any violation of § § 905 through 910 of this chapter shall be punishable by a fine of not more than three hundred dollars (\$ 300), or imprisonment for not more than ninety (90) days (D.C. Code § 47-2347 (1990 Repl. Vol.)).

- 905.8 In addition to any other penalty prescribed by law any violation of these regulations, either before or after conviction therefore, shall be grounds for revocation of the driving school license.

## **906 APPLICATIONS FOR DRIVING SCHOOL LICENSES**

- 906.1 Application for a license under this section shall be filed with the Director, Department of Consumer and Regulatory Affairs or his or her authorized agent, and shall contain the information required by the Director of that Department.
- 906.2 Each application shall be accompanied by a certificate from an insurance company authorized to do business in the District indicating that each vehicle owned or registered in the name of the applicant, or controlled by the applicant, which is to be used for the purpose of giving driving instructions is covered by liability insurance in the following manner:
- (a) Twenty-five thousand dollars (\$ 25,000) for personal injury to, or death of, any one (1) person;
  - (b) Fifty thousand dollars (\$ 50,000) for personal injuries to, or death of, any number of persons involved in any single accident; and
  - (c) Five thousand dollars (\$ 5,000) for property damage in any single accident, resulting from the negligence of the applicant, or any agent, employee, or student of the applicant.
- 906.3 Upon approval by the Director of the Department of Public Works or his or her designee, and the Director of the Department of Consumer and Regulatory Affairs or his or her designee, the latter shall issue a license to the applicant.
- 906.4 A driving school license shall be valid for one (1) year or less, and all driving school licenses shall expire on October 31<sup>st</sup> of each year.
- 906.5 A fee of twenty-five dollars (\$ 25.00) shall be charged for each annual license issued under this section.
- 906.6 In case of loss, mutilation, or destruction of a license, the Director, Department of Consumer and Regulatory Affairs shall issue a duplicate license upon proof of the facts and payment of a fee of one dollar (\$ 1.00).

## **907 REFUSAL TO ISSUE A DRIVING SCHOOL LICENSE**

- 907.1 The Director, Department of Consumer and Regulatory Affairs, may deny the application of any person for a license, if in his or her discretion, he or she determines any of the following:

- (a) The applicant has made a material false statement or concealed a material fact in connection with the application;
- (b) The applicant, or any officer, director, partner, or other person directly interested in the business was the former holder or was an officer, director, or partner in a corporation or partnership which was the former holder of a driving school license which was revoked by the District;
- (c) The applicant or any officer, director, partner, employee or any other person directly interested in the business has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;
- (d) The applicant has failed to furnish satisfactory evidence of good character, reputation, and fitness;
- (e) The applicant does not meet the requirements of § 907;
- (f) The applicant is not the true owner of the driving school; or
- (g) The application is not accompanied by the insurance certificate required by § 906.

## **908 PLACE OF BUSINESS OF A DRIVING SCHOOL**

- 908.1 No license shall be issued, nor shall any renewal of a license be made, for conducting a drivers' school unless the school has a designated place of business in the District, or complies with the provisions of § 907.3.
- 908.2 For the purposes of this chapter, "place of business" means a designated location at which the business of a drivers' school is transacted and its records kept.
- 908.3 A driving school license or renewal may be issued to an applicant which has its principal place of business outside of the District upon the filing by the applicant with the Director, Department of Consumer and Regulatory Affairs, a written statement designating a resident agent in the District for the service of process, and of any notice, order, or rule to show cause issued by the Director, Department of Consumer and Regulatory Affairs, or any other officer or department of the District, in connection with any proceedings arising out of the conduct of the driving school business in the District.
- 908.4 A copy of any notice, order, or rule to show cause served upon a designated agent of a driving school shall be sent by registered mail to the licensee at its principal designated place of business.

- 908.5 Each licensee shall keep such records as the Director, Department of Consumer and Regulatory Affairs may require. The records of the licensee shall be open to inspection by the Director, or his or her-designee, and the Chief of Police, or his or her representative, at all times during reasonable business hours.

## **909 VEHICLES USED BY DRIVING SCHOOLS**

- 909.1 No motor vehicle owned or controlled by a driving school may be used for the purpose of giving instructions in the District until the driving school licensee has obtained from the Director of the Department of Consumer and Regulatory Affairs a school vehicle identification certificate which shall be conspicuously displayed in that vehicle at all times while the vehicle is being used either for driving instruction or for a road test.
- 909.2 The driving school vehicle identification certificate shall not be issued unless and until the following requirements are met:
- (a) The vehicle is equipped with dual controls on foot brake and clutch, if any, and otherwise equipped in accordance with this title; and
  - (b) The licensee has filed with the Director of the Department of Consumer and Regulatory Affairs satisfactory evidence of insurance coverage as required by § 906.

## **910 ADVERTISING BY DRIVING SCHOOLS**

- 910.1 No licensed driving school shall use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is "supervised," "recommended," "endorsed," "accredited," or "approved" by the District of Columbia.
- 910.2 A driving school may exhibit on its premises a sign reading, "THIS SCHOOL IS LICENSED BY THE DISTRICT OF COLUMBIA," and may advertise that fact.
- 910.3 No driving school shall publish, advertise, or intimate that a license is guaranteed or assured to any person.
- 910.4 No owner, representative, agent, or employee of any driving school shall engage in any conduct or make any representation tending to give the impression that a license to operate a motor vehicle, or any other license, permit, registration, or service granted by the Department of Public Works, may be obtained by any means other than prescribed by law, or by furnishing or obtaining the same by



illegal or improper means, nor shall any owner, representative, agent or employee request, accept, exact, or collect any money or anything of value for that purpose.

**911      APPROVAL AND CERTIFICATION OF MOTOR VEHICLE  
ACCIDENT PREVENTION COURSES**

- 911.1      The term “person” includes an individual, firm, corporation, partnership, association, and company.
- 911.2      No person shall offer, conduct, or engage in the business of offering or conducting a motor vehicle accident prevention course within the meaning of the Senior Citizen Motor Vehicle Accident Prevention Course Certification Act of 1983 (hereafter “course”), without obtaining a certificate of approval from the Director pursuant to the provisions of this section.
- 911.3      A person shall file an application for approval of a course with the Director.
- 911.4      The application shall be on the form furnished by the Director and shall contain the information required by the Director.
- 911.5      The application shall contain the following information:
- (a)      The name of the person submitting the application;
  - (b)      A copy of the proposed senior citizen motor vehicle accident prevention course materials, curriculum, and promotional documents;
  - (c)      The full name, address, date of birth, sex, social security number, and residence of each person proposed to instruct the course. The applicant shall certify that each person proposed to instruct the course meets the qualifications set forth in § 900.4;
  - (d)      If the proposed course includes field driving instruction, then the application shall include the following:
    - (1)      The number, date of issuance and expiration date of the driver instructor’s license issued pursuant to § 900.5 for each person proposed to give field driving instruction; and
    - (2)      The insurance certificate required pursuant to § 906.2;
  - (e)      A copy of the manual and course materials to be used in training and preparing instructors; and

- (f) The fee, if any, for the course; and the level of compensation for instructors of the course.
- 911.6 Course approval and certification shall be valid for a two (2) year period.
- 911.7 The fee charged, if any, for the course; and the level of compensation for instructors of the course.
- 911.8 No course shall be approved unless the course fulfills the requirements set forth in this section.
- 911.9 A course shall have a minimum of eight (8) hours of actual classroom or field driving instruction insured vehicles bearing current inspection stickers only.
- 911.10 The curriculum of a course shall include, but not be limited to, the following subjects:
  - (a) Concept of accident preventability, including a discussion of the magnitude of traffic accident problems;
  - (b) Techniques of defensive driving and responding to critical situations, including but not limited to, the following subjects:
    - (1) Interpreting events that require evasive action;
    - (2) Determining the appropriate response to situations caused by mechanical failure of the motor vehicle; and
    - (3) Determining risk factors created by a variety of psychological, social, and physical factors that can facilitate or inhibit the functions required in driving, including but not limited to, the following:
  - (c) The effects of, and relationships between, alcohol, illicit drugs and medication, and driving performances and compensating measures;
  - (d) The negative stresses and compensating measures associated with physical, mental, and social conditions as they relate to driver performances; and
  - (e) The age-related physical, mental, and psychological changes of drivers fifty-five (55) years of age and older; and
  - (f) District of Columbia traffic laws and regulations, vehicle dynamics capabilities, limitations, and highway environmental factors, including the following:

- (1) Traffic laws and regulations, such as signs, signals and markings, rights-of-way requirements, and speed;
- (2) Vehicle capabilities, such as stopping distances and passing abilities; and
- (3) Highway settings, operating environments and adverse conditions such as the effects of illumination, obstructions, snow, ice, rain or fog.

911.11 Upon approval of a course by the Director, the Director shall issue to the applicant a Certificate of Approval for a Senior Citizen Motor Vehicle Accident Prevention Course in a form furnished by the Director, indicating the date of approval, date of expiration of approval, and a Certificate of Approval number.

911.12 No motor vehicle may be used for the purpose of giving driving instructions under an approved and certified Senior Citizen Motor Vehicle Accident Prevention Course unless the applicant has obtained from the Director a driving school vehicle identification certificate which shall be conspicuously displayed in the motor vehicle at all times while the motor vehicle is being used either for driving instruction or a road test.

911.13 The driving school vehicle identification certificate shall not be issued unless and until the motor vehicle for which it is to be issued is equipped with dual controls on foot brake and clutch, if any, and otherwise equipped in accordance with this title.

911.14 A person who obtains approvals for a course shall do the following:

- (a) Conduct the course in accordance with the curriculum approved by the Director;
- (b) Apply to the Director for approval of any proposed additions to, deletions from or changes in an approved course, curriculum, instructors, and qualifications of approved instructors under the approved application;
- (c) Provide, and if necessary train, instructors identified in its application to conduct courses;
- (d) Provide the Director, upon request, with a schedule of class dates, times and locations;
- (e) Perform all necessary administrative functions in connection with the course;

- (f) Provide each participant at the time of enrollment in the course with a printed statement that indicates that an insurer shall offer a reduced premium for motor vehicle insurance to an insured who is at least fifty-five (55) years of age and who has, within the preceding two (2) year period, successfully completed an accident prevention course approved pursuant to this section;
- (g) Obtain the Director's approval of the certificate of course completion, which shall at a minimum, indicate the number given the Certificate of Approval issued pursuant to § 911.11;
- (h) Provide each participant with a certificate of course completion upon satisfactory completion of the course;
- (i) Maintain records which indicate the name, address, and drivers license number of those individuals who have completed the course within the previous three (3) years;
- (j) Provide the Director with access to the records of the approved course, and monitor and evaluate any and all elements or components of the course, including but not limited to, the following:
  - (1) Classroom facility;
  - (2) Field driving;
  - (3) Use of instructional material;
  - (4) Actual presentations; and
  - (5) Any other matter deemed necessary to evaluate the course;
- (k) Allow the Director or his or her designee to inspect and observe the course; and
- (l) Display the Certificate of Approval of the course issued pursuant to § 911.11 and course fee, if any, in a prominent or conspicuous place while instruction is being given.

911.15 Upon five (5) days notice and an opportunity for a hearing pursuant to chapter 10 of this title, the Director may rescind or cancel the Certificate of Approval of a course prior to the expiration of the two (2) year time period established by § 911.6, for any of the following reasons:

- (a) Material deletions, or additions to, the curriculum which have not been specifically approved by the Director, including persons authorized to instruct such courses not approved by the Director;

- (b) Pursuant to an evaluation or monitoring under § § 911.14(j) and 911.14(k), the Director determines that the course is administered in an unsatisfactory manner;
- (c) After review of statistical data, the course is determined to be ineffective;
- (d) The applicant or licensee fails to comply with any of the provisions of this section; or
- (e) Fraud, misrepresentation, or other illegal conduct in the administration of any approved courses.

911.16 All promotional advertising of a Senior Citizen Motor Vehicle Accident Prevention Course by a licensed driving school shall be subject to the provisions of 18 DCMR 910, "Advertising by Driving Schools."